

EPA has notified the General Electric Company of the Agency's intended final decision on the cleanup plan to address PCB contamination in the "Rest of River" portion of the Housatonic River.

PCB contamination in and around the River has led to unacceptable risks to human health and to the environment. EPA's intended final decision calls for a combination of different remediation techniques to address those unacceptable risks, and disposal of excavated material at existing off-site facilities licensed to receive such material.

EPA's intended final decision is the result of significant public input on EPA's prior draft cleanup proposal. In June 2014, EPA, after extensive consultation with Massachusetts Departments of Environmental Protection (MassDEP) and Fish and Game (MassDFG) and the Connecticut Department of Energy and Environmental Protection (CT DEEP), presented for public review a proposed cleanup plan, referred to as a draft modification of the Reissued RCRA Permit for the Rest of River. That June 2014 draft Permit modification was the subject of an extensive public comment period held between June and October 2014. EPA received over 2,000 pages of comments from the public on the June 2014 draft Permit modification.

EPA has reviewed the comments received on the draft Permit modification, and, in accordance with the Site Consent Decree, has provided GE with EPA's intended final decision. The intended final decision includes modifications to the terms and structure of the Permit to address comments received. However, the overall approach to the cleanup remains consistent with the original proposal in terms of scope, cost, and performance.

Pursuant to the Site Consent Decree, GE has 30 days from this notification to invoke administrative dispute resolution or EPA will move forward to finalize the Permit. When the final Permit is issued, EPA will also provide a written response to the comments received on the June 2014 proposal. The dispute resolution process is set forth in the Consent Decree. If EPA and GE cannot reach agreement to settle the dispute, then EPA will issue a final administrative decision resolving the dispute. After the dispute is resolved and EPA issues the Final Permit, GE, state and local governments and other members of the public would have the opportunity to appeal the Permit.

The revised draft Permit which outlines the intended final decision released today to GE and the public includes, without limitation, the following adjustments from the June 2014 draft:

- Clarification of which permit provisions constitute "Performance Standards", "Corrective Measures", or other requirements;
- Adjustments to the approach to cleanup of vernal pools, changing from an approach that would determine at a later date the specific approach to all contaminated vernal pools to an approach requiring the use of a sediment amendment such as activated carbon in all contaminated vernal pools to reduce the bioavailability of PCB contamination in those pools. This approach also includes a contingency for excavation and restoration of vernal pools should the sediment amendment approach be ineffective;
- Modification of provisions governing future work and future uses in the river and floodplain from the previously proposed approach which would have required GE to pay for incremental costs associated with the presence of PCBs to an approach where GE would be required to conduct appropriate future response actions;
- Additional provisions to enhance coordination with impacted municipalities and landowners during design and construction;
- Waiver of certain additional laws/regulations where it has been determined that it is technically impracticable to comply with such regulations in conducting the cleanup. Additional information on these waivers and the basis for the waivers is provided in the ARARs tables included as Attachment C to the Permit.

The documents provided to GE can be found at EPA's website at:  
<http://www2.epa.gov/ge-housatonic> and at the following direct links:  
Cover letter: <http://semspub.epa.gov/src/document/01/582992>  
Intended final decision: <http://semspub.epa.gov/src/document/01/582991>

#### Background:

EPA and GE, along with several other federal, state and local governments, entered into a Consent Decree in 2000 to address the unacceptable human health and environmental risks posed by polychlorinated biphenyl (PCB) contamination in Pittsfield, Massachusetts and in and around the Housatonic River. The Decree called for over 25 separate cleanup response actions, most of which have been completed and paid for by GE.

"Rest of River" is the term used in the 2000 Consent Decree to describe the investigation and decision making process for the 125 mile section of the Housatonic River from the confluence of the East and West Branches of the River downstream into Connecticut. The Decree called for the Rest of River investigation, and analysis of alternatives, to be performed under a Reissued Permit issued under the Resource Conservation and Recovery Act ("RCRA"). EPA's June 2014 proposal for public comment was a draft Modification to the Reissued RCRA Permit. The current notification of intended final decision is a revision, following public comments, of that June 2014 draft Modification of the Reissued RCRA Permit.

The Permit, if finalized, would require GE to address PCB contamination in river sediment, banks, floodplain soil and biota that pose unacceptable risks to human health and to the environment. EPA estimates that the cleanup would cost approximately \$613 million and would take approximately 13 years to implement. In addition to addressing risks in the areas slated for cleanup, the cleanup plan when fully implemented would reduce downstream transport of PCBs, allow for relaxing or removing fish consumption advisories, and avoid, minimize or mitigate harmful impacts to state-listed species and their habitats regulated under the Massachusetts Endangered Species Act. EPA has included an "adaptive management" approach to ensure that the cleanup is performed using the best available technologies and methods. Further, EPA's plan calls for contaminated material to be shipped off-site to existing licensed facilities for disposal. Consistent with actions at other contaminated sediment sites, EPA's plan relies on a combination of cleanup approaches that apply to specific "reaches" of the river, as described below:

- Removing and capping PCB-contaminated sediment in some reaches in the Housatonic River.
- Monitoring natural recovery in some reaches in the Housatonic River.
- Addressing PCB-contaminated soil from some areas in the floodplain adjacent to the river, including vernal pools, and restoring affected areas.
- Stabilizing PCB-contaminated erodible river banks that are a source of PCBs that could be transported downstream, focusing on the use of bioengineering techniques in restoring any disturbed banks.
- Transporting and disposing of all excavated contaminated soil and sediment off-site at existing licensed facilities approved to receive such soil and sediment.
- Placing restrictions (Institutional Controls) on eating fish, waterfowl, and other biota where PCB tissue concentrations pose an unacceptable risk unless/until such consumption advisories are no longer needed, as well as restricting other activities that could potentially expose remaining contamination.
- Establishing procedures to address PCB contamination associated with future work.
- Maintaining remedy components and monitoring over the long-term to assess the effectiveness of the cleanup and recovery of the river and floodplain.
- Establishing mechanisms for additional response actions if land uses change (e.g. dam removal, changes in floodplain land use).
- Conducting periodic reviews following the cleanup to evaluate the effectiveness and adequacy of the cleanup in protecting human health and the environment.